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Docket No.: KCC-15,611.1

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-40 are pending

Amendment to the Claims

Claims 1-40 have been examined, with no claims being allowed. Claims 1, 20, 27, and 34 have been amended to include the limitation of the mesh liner or liquid-permeable liner being continuous and being adjacent to the body side liner or liquid-permeable layer with no intervening layers (other than containment flaps) between the mesh liner or liquid-permeable liner and the body side liner or liquid-permeable layer, and to further recite that the mesh liner or liquid-permeable liner is permeable to sand. Elastic strands are not "layers," and therefore do not qualify as intervening layers. Support for these amendments is provided at page 23, lines 3-7; page 25, lines 4-13; page 26, lines 9-11; page 27, lines 7-20; and in Figs. 7A-11B, for example.

No new matter has been added by this Amendment. No additional fee is required because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Claim Rejections - 35 U.S.C. §102

A. Roe et al.

The rejection of Claims 1-2, 5, 7-12, 18-23, and 26-40 under 35 U.S.C. §102(e) as being anticipated by Roe et al. (U.S. 2003/0100872, hereinafter "Roe") is respectfully traversed.

The wetness sensation member 50 in Roe is not a mesh liner. Instead, the wetness sensation member 50 includes two layers, namely a permeable layer 52 and an impermeable layer 54. Although the permeable layer 52 may allow fluid and particulates of a specific size range to filter through, *the impermeable layer 54 certainly does not qualify as either "mesh" or "liquid-permeable."* The

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impermeable layer 54 is positioned between the permeable layer 52 and the liquid pervious topsheet 24. Thus, Roe fails to disclose a garment that includes a mesh liner or liquid-permeable liner that is adjacent to the liquid pervious topsheet 24 with no intervening layers between the mesh liner or liquid-permeable liner and the liquid pervious topsheet.

In fact, Roe clearly *teaches away* from the lack of any intervening layers between the permeable layer 52 and the liquid pervious topsheet 24. More particularly, the wetness sensation member 50 is designed to hold liquid in place between the permeable and impermeable layers in order to prolong the wetness sensation against the wearer's skin prior to the liquid being absorbed into the core. Without the impermeable layer 54, the liquid would be readily absorbed into the core and the purpose of the wetness sensation member would be defeated.

For at least the reasons presented above, Applicants respectfully submit that Claims 1-2, 5, 7-12, 18-23, and 26-40 are not anticipated by Roe. Thus, Applicants respectfully request withdrawal of this rejection.

B. Mizutani et al.

The rejection of Claims 1-5, 7-12, 20-23, and 26 under 35 U.S.C. §102(e) as being anticipated by Mizutani al. (U.S. 2002/0028624, hereinafter "Mizutani") is respectfully traversed.

Mizutani fails to disclose a garment that includes a continuous mesh liner that is adjacent to a body side liner with no intervening layers between the mesh liner and the body side liner.

Instead, Mizutani discloses a garment that includes a surface layer that includes a porous film 11 having a plurality of through holes and a fibrous layer 12 disposed on the liquid-receiving face of the porous film. The fibrous layer is of a plurality of strips extending in parallel and spaced apart from each other such that the porous film is exposed between adjacent strips of the fibrous layer. These separate strips do not constitute a *continuous* mesh liner.

Additionally, with respect to Claims 8 and 21, Mizutani also fails to disclose a mesh liner that is unattached to a composite structure in the central region

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of the composite structure. More particularly, the strips of the fibrous layer 12, which the Examiner suggests are equivalent to a mesh liner, are *each secured at various points along their length* to the underlying porous film 11, which the Examiner suggests is equivalent to a body side liner. Thus, the strips of the fibrous layer are not unattached to the composite structure (i.e., the porous film) in the central region of the composite structure.

For at least the reasons presented above, Applicants respectfully submit that Claims 1-5, 7-12, 20-23, and 26 are not anticipated by Mizutani. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 6, 13-17, and 24-25 under 35 U.S.C. §103(a) as being unpatentable over Mizutani is respectfully traversed.

As explained above, Mizutani fails to disclose a garment that includes a continuous mesh liner that is adjacent to a body side liner with no intervening layers between the mesh liner and the body side liner. Furthermore, there is no suggestion to modify the garment in Mizutani to achieve a continuous mesh liner. The fibrous layer 12 is in the form of separate strips for a variety of reasons identified by Mizutani in paragraphs 0048 and 0049, for example. Furthermore, Mizutani indicates that continuous nonwoven fabrics may be slit into thin strips to form the fibrous layer, without providing any suggestion or motivation for incorporating the nonwoven fabrics into the garment in their continuous (i.e., non-slit) state.

For at least the reasons given above, Applicants respectfully submit that the teachings of Mizutani fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

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Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Respectfully submitted,



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